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/James L. Katz/  
James L. Katz, Reg. No. 42,711

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln of: Douglas S. Ransom et al.  
Appln No.: 10/666,398  
Filed: September 19, 2003  
For: PUSH COMMUNICATIONS  
ARCHITECTURE FOR  
INTELLIGENT ELECTRONIC  
DEVICES  
Attorney Docket No: 6270-126 (SPL-0165-6)

Examiner: Maria N. von Buhr  
Group Art Unit: 2121  
Conf. No. 9324

**SUPPLEMENT TO PETITION TO RETURN AND REPLACE PAPER  
PURSUANT TO 37 C.F.R. § 1.182**

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Petitioner respectfully supplements their petition, filed on April 9, 2010, to the US Patent and Trademark Office (the "Office") to return, without consideration, the protected paper, "PowerCET Corporation: Patent Invalidity Search Report: REPORT OF RICHARD BINGHAM: Square D Co. et. al. v. EI Electronics, Inc., et. al.: Case No. 06-CV-5079: Dated June 18, 2009", hereinafter the "Bingham Report", (pages 1-71 and Appendix A (9 pages), 80 pages total), submitted to the Office on August 11, 2009, along with the Form 1449 also filed on August 11, 2009, in which the Bingham Report was cited as reference "J91" (the "Petition to Return/Replace").

During the course of a litigation, which was assigned the caption Square D Company v. E.I. Electronics, Inc., 1:06-cv-05079 (N.D. Ill.), in which U.S. Patent No. 7,191,076 and/or one

or more related patents were asserted, the Petitioner's litigation counsel (the "litigation counsel") received the Bingham Report from counsel for the defendants. On July 6, 2009, the litigation counsel transmitted a copy of the Bingham Report to the Petitioner's prosecution counsel (the "prosecution counsel") without any indication that any portion of the Bingham Report was subject to a protective order. On August 11, 2009, the prosecution counsel filed a Third Supplemental Information Disclosure Statement, which cited and provided a copy of the Bingham Report and references disclosed therein. Neither the Bingham Report nor any section therein were submitted in a sealed envelope as discussed in MPEP § 724.02 because the prosecution counsel was unaware of any protected information in the Bingham Report. On October 28, 2009, the litigation counsel notified the prosecution counsel that pages 57-71 of the Bingham Report included information that was subject to a protective order.

As discussed in more detail below, the Petitioner respectfully submits that the return of the confidential information is appropriate because (A) the Petition to Return/Replace includes a clear identification of the information to be returned; (B) the information that the Petitioner is petitioning to be returned is subject to a protective order and has not been made public; (C) the Petitioner commits to retain such information for the period of any patent with regard to which such information is submitted; and (D) the Petition to Return/Replace is being submitted by, or on behalf of, the party in interest who originally submitted the information.

Furthermore, in accordance with MPEP § 724.05(I), the Petitioner respectfully submits that this Petition to Return/Replace is timely because the application is still pending.

#### **A. Identification Of The Information To Be Returned and Replaced**

As discussed above, the information that the Petitioner is petitioning to be returned are pages 57-71 of "PowerCET Corporation: Patent Invalidity Search Report: REPORT OF RICHARD BINGHAM: Square D Co., et al. v. EI Electronics, Inc., et al.: Case no. 06-CV-5079: Dated June 18, 2009" submitted by the Petitioner on August 11, 2009 and denoted as reference J91 on a Form 1449 submitted therewith. The portion to be returned is located at pages 57-71 in the section titled "EI PRODUCTS AS INVALIDATING PRIOR ART" and includes Tables 64-98.

**B. Information Is Subject To A Protective Order And Has Not Been Made Public**

The information that the Petitioner is petitioning to have returned is subject to a protective order. Furthermore, the information that the Petitioner is petitioning to be returned has not been made public.

**C. Commitment to Retain Information**

The Petitioner commits to retain information for the period of any patent with regard to which such information is submitted.

**D. Submitted On Behalf Of The Party In Interest**

The Petitioner/ is submitting this Petition to Return/Replace on its own behalf as the party in interest who originally submitted the information.

This fee set forth in 37 C.F.R. 1.17(f) was previously provided with the petition filed on April 9, 2010. Applicants submit that no additional fees are necessary.

Respectfully submitted,

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